IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 436 OF 2004

The State of Maharashtra .. Appellant

versus

Devidas Kisan Sudrik .. Respondent

...

Mr.S.R. Shinde, APP for the State.

Mr.V.B. Tapkir for the respondent.

CORAM : V.M. KANADE, J

DATED : 16th September 2004.

P.C:-

1. Heard the learned APP appearing on behalf of the State the the learned counsel appearing on behalf of the respondent.

2. The respondent accused were charged under section 341, 506, 504, 352 of the IPC. The respondent is a Police Head Constable and was on night duty at Arun Kadam Chowk, Tanwadi, Pune. The prosecution case

is that the complainant had closed his pan shop and was proceeding towards the police chowky. At that time, the accused threatened him as to why he had closed the pan shop and he threatened to kill him. It is the prosecution case that he further obstructed the complainant and prevented him from proceeding in the direction in which the complainant wanted to go.

3. The trial Court after examining the witnesses has come to the conclusion that from the evidence of PW no.3 Sitaram Shetty and PW no.2 Boza Shetty, there was no evidence to suggest that there was a wrongful restraint caused by the respondent accused. Further, the trial Court had observed that nothing had come on record to show that the accused assaulted and used criminal force on the complainant. No weapon was found on the accused when he allegedly threatened the complainant. The trial Court further observed that there was no eye witness to the said incident. The view taken by the trial Court after perusing the evidence on record is a reasonable view. There is no reason to interfere with the said finding of the trial Court.

4. Leave is therefore refused. Appeal is rejected.

V.M.KANADE, J